IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22519 of 2004

Between:

M/s.Durga Retreading Co., Rep. by Ch. Shyam Kiran,

Proprietor, S/o. late Chandravardhan, Hunter Road,

Warangal, Warangal District.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Warangal.
2 The Assistant Motor Vehicle Inspector (Enforcement), O/o.

The Deputy Transport Commissioner & SRTA, Warangal.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, especially, one in the nature of Writ of Mandamus declaring the seizure of the petitioner's vehicle No. AP 36 U 1466 vide vehicle check report No. 1968308 dt. 11-11.2004 is illegal, arbitrary and violative of Article 19 (1) (g) of the Constitution of India and consequently direct the respondent to release the petitioner vehicle bearing No. AP 36 U 1466 immediately.

Counsel for the Petitioner: MR.CH.RAVINDER

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

ORDER:

The petitioner's vehicle bearing No.AP 36 U 1466 was seized by the second respondent vide check report, dated 11.11.2004, alleging certain irregularities. Thereafter, the petitioner made an application to the first respondent for grant of interim custody of the vehicle, but the same was not released. Hence the present writ petition.

The learned counsel appearing for the petitioner contended that in spite of filing an application by the petitioner before the first respondent, no orders have been passed and therefore, he prays to grant interim custody of the vehicle in question.

The learned Government Pleader for Transport opposed the same.

The vehicle bearing No. AP 36 U 1466 was seized under check report, dated 11.11.2004, by the second respondent alleging certain irregularities. There is no benefit in keeping the vehicle in question in custody of the first respondent, which will be exposed to sun and rain causing damage. Therefore, a direction can be given to the first respondent to grant interim custody of the vehicle in question to the petitioner with some conditions.

The first respondent is directed to grant interim custody of the vehicle bearing No. AP 36 U 1466 to the petitioner on his depositing a sum of Rs.5,000/-(Rupees Five Thousand Only) with the following conditions:

i. The petitioner shall not alienate or transfer the vehicle;

ii. The petitioner shall produce the vehicle as and when required by the concerned authority; and

iii. If any tax arrears are there, the petitioner shall pay the same.

With the above directions, the writ petition is disposed of. There shall be no order as to costs.

_____

07.12.2004

Jsu

-

To

1 The Secretary, Regional Transport Authority, Warangal.
2 The Assistant Motor Vehicle Inspector (Enforcement), O/o.

The Deputy Transport Commissioner & SRTA, Warangal.

3 2CCs to the G.P.for Transport, High Court Buildings,

Hyderabad. (O.U.T)

4 2CD copies.